

Introduced by Senator Maldonado

February 16, 2005

An act to add Section 97 to, and to add and repeal Section 97.2 of, the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to highways. .

LEGISLATIVE COUNSEL'S DIGEST

SB 283, as introduced, Maldonado. Safety Enhancement-Double Fine Zones.

Existing law vests with the Department of Transportation, full possession and control of the state highway system. Under existing law, until January 1, 2006, a specified state highway segment has been designated as a Safety Enhancement-Double Fine Zone that is subject to rules and regulations, as specified, adopted by the department pertaining to those zones.

This bill would specify standards for the administration of Safety Enhancement-Double Fine Zones and would designate, until January 1, 2010, a specified segment of State Highway Route 101 and County Road 16 in Monterey County as Safety Enhancement-Double Fine Zones. Because the bill would require Monterey County, in part, to administer the county road zone, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 97 is added to the Streets and Highways Code, to read:

97. (a) A Safety Enhancement-Double Fine Zone is subject to the rules and regulations adopted by the department prescribing uniform standards for warning signs to notify motorists that, pursuant to Section 42010 of the Vehicle Code, increased penalties apply for a traffic violation committed within a Safety Enhancement-Double Fine Zone.

(b) The department or the local authority having jurisdiction over a segment of a highway or road that is designated a Safety Enhancement-Double Fine Zone shall place and maintain warning signs identifying the segment by stating that a “Special Safety Zone Region Begins Here” and a “Special Safety Zone Ends Here.” The department shall adopt rules and regulations for the administration of a Safety Enhancement-Double Fine Zone under this section.

(c) A Safety Enhancement-Double Fine Zone does not increase the civil liability of the state or local authority having jurisdiction over the highway segment under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code or any other provision of law relating to civil liability.

(d) Only the base fine shall be enhanced pursuant to this section. Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine imposed pursuant to this section.

(e) The projects specified as a Safety Enhancement-Double Fine Zone shall not be elevated in priority for state funding purposes.

SEC. 2. Section 97.2 is added to the Streets and Highways Code, to read:

97.2. (a) The following state highway route and county road segments are Safety Enhancement-Double Fine Zones:

(1) The segment of State Highway Route 101, between the junction with Boronda Road and the San Benito-Monterey County line.

(2) The segment of County Road 16, also known as Carmel Valley Road, between the junction with State Highway Route 1 and the junction with Camp Stefani Road. The County of Monterey, in consultation with the Department of the California Highway Patrol, shall administer this zone and shall assume all responsibilities that would otherwise accrue to the department for the administration of the project.

(b) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.

SEC. 3. Section 42010 is added to the Vehicle Code, to read:

42010. (a) For any offense specified in subdivision (b) that is committed by the driver of a vehicle within an area that has been designated as a Safety Enhancement-Double Fine Zone pursuant to Section 97 of the Streets and Highways Code, the fine in a misdemeanor case, shall be double the amount otherwise prescribed, and in an infraction case, the fine shall be one category higher than the penalty otherwise prescribed by the uniform traffic penalty schedule established pursuant to Section 40310.

(b) A violation of any of the following provisions is an offense that is subject to subdivision (a):

(1) Chapter 3 (commencing with Section 21650) of Division 11, relating to driving, overtaking, and passing.

(2) Chapter 7 (commencing with Section 22348) of Division 11, relating to speed limits.

(3) Section 23103, relating to reckless driving.

(4) Section 23104, relating to reckless driving that results in bodily injury to another.

(5) Section 23109, relating to speed contests.

(6) Section 23152, relating to driving-under-the-influence of alcohol or a controlled substance, or Section 23103, as specified in Section 23103.5, relating to alcohol-related reckless driving.

(7) Section 23153, relating to driving-under-the-influence of alcohol or a controlled substance, that results in bodily injury to another.

(8) Section 23220, relating to drinking while driving.

(9) Section 23221, relating to drinking in a motor vehicle while on the highway.

1 (10) Section 23222, relating to driving while possessing an
2 open alcoholic beverage container.

3 (11) Section 23223, relating to being in a vehicle on the
4 highway while possessing an open alcoholic beverage container.

5 (12) Section 23224, relating to being a driver or passenger
6 under the age of 21 possessing an open alcoholic beverage
7 container.

8 (13) Section 23225, relating to being the owner or driver of a
9 vehicle in which there is an open alcoholic beverage container.

10 (14) Section 23226, relating to being a passenger in a vehicle
11 in which there is an open alcoholic beverage container.

12 (c) This section applies only when traffic controls or warning
13 signs have been placed pursuant to Section 97 of the Streets and
14 Highways Code.

15 (d) (1) Notwithstanding any other provision of law, the
16 enhanced fine imposed pursuant to this section shall be based
17 only on the base fine imposed for the underlying offense and
18 shall not include any other enhancements imposed pursuant to
19 law.

20 (2) Notwithstanding any other provision of law, any additional
21 penalty, forfeiture, or assessment imposed by any other statute
22 shall be based on the amount of the base fine before enhancement
23 or doubling and shall not be based on the amount of the enhanced
24 fine imposed pursuant to this section.

25 SEC. 4. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district are the result of a program for which legislative authority
29 was requested by that local agency or school district, within the
30 meaning of Section 17556 of the Government Code and Section
31 6 of Article XIII B of the California Constitution.